

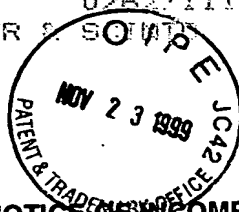


5  
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

005514 09/09/99 WHITE T 1009.2500-01

005514  
FITZPATRICK CELLA HARPER & SOUTHWELL  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112



NOT ASSIGNED

DATE MAILED: 10/29/99

11/12/99

**NOTICE OF INCOMPLETE REPLY**  
(Filing Date Granted)

The reply filed on 10/29/99 to the

- ☒ Notice to File Missing Parts (Notice)  
☐ Notice to File Corrected Application Papers (Notice)

mailed on 9/28/99 has been entered into the application. The reply, however, is incomplete for the following reason(s).

- ☐ 1. The filing fee required by the Notice has not been received. The amount of \$ \_\_\_\_\_ is due.
- ☐ 2. The surcharge of \$ \_\_\_\_\_ has not been received. *SURCHARGE 65.00 CHARGED TO ACCT 06-1205*
- ☒ 3. The oath or declaration for this nonprovisional application has not been received.
- ☐ 4. A \$50 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 5. The oath or declaration for this nonprovisional application is not executed in compliance with 37 CFR 1.64(a) because:
- ☐ a. The inventor's signature is missing.
- ☐ b. The signature is missing for inventor(s) \_\_\_\_\_
- ☐ c. The application is one filed under 37 CFR 1.42, 1.43, or 1.47, and the oath or declaration is not executed by the person(s) qualified to make the oath or declaration.
- ☐ 6. The cover sheet (37 CFR 1.151(c)(1)) for this provisional application has not been received.
- ☐ 7. The reply does not include the following item(s) required by the Notice:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A complete reply must be timely filed to prevent **ABANDONMENT** of the above-identified application.

The period for reply remains as set forth in the Notice. You may, however, obtain an **EXTENSION OF TIME** under the provisions of 37 CFR 1.136(a) by filing a petition accompanied by the appropriate fee (37 CFR 1.17(a)).

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

HARRISON T-6

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

Section:

Appln. No.: 09/392,476  
Atty. Docket: 1039.2500 CIP



1039.2500 CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re application of:*

**THERESA C. WHITE**

**SYLVIA McHUGH**

**CHRISTOPHER D. HINDLE**

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF  
PROTEINS IN GENETICALLY  
MODIFIED FUNGI**

)

)

)

)

)

)

)

)

)

)

)

)

Examiner: Not Yet Assigned

Group Art Unit: 1633

November 23, 1999

**ATTN.: BOX MISSING PARTS**

Assistant Commissioner for Patents

Washington, D.C. 20231

**RESPONSE TO NOTICE OF INCOMPLETE REPLY  
(Filing Date Granted)**

Sir:

As understood, Applicant disagrees with the Box "3" check mark and the extra \$65.00 fee that was charged, as noted in the November 12, 1999 Notice of Incomplete Reply. Enclosed herewith is a complete copy of what was filed on October 29, 1999 as a Completion of Filing, with four postcard receipts. As you will note, an executed Declaration and Power of Attorney was filed. A Small Entity Declaration also was filed, though the *original* was

submitted separately, together with a Request for Refund of half the filing fees paid on September 9, 1999.

Applicant respectfully requests withdrawal of the November 12, 1999 Notice of Incomplete Reply (Filing Date Granted), and a credit of the \$65.00 charged to our Deposit Account.

Any deficiency in or overpayment of these fees should be charged or credited to Deposit Account No. 01-1205. Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Warren E. Olsen (Reg. No. 27,290)

Attachments:    Notice of Incomplete Reply (copy)  
                    Four Postcard receipts  
                    Preliminary Amendment (copy as filed)  
                    Request for Refund and Submission of Small Entity Declaration (copy as filed)  
                    Completion of Filing (copy as filed)  
                    PTO-1595 and Assignment (copy as filed)  
                    Request for Corrected Filing Receipt (copy as filed)

FITZPATRICK, CELLA, HARPER & SCINTO  
Customer No.: 05514  
30 Rockefeller Plaza, 38<sup>th</sup> Floor  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

C:\WEO\1039\2500CIP-AMEMissPart



Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 10 / 29 / 99  
Mo. Day Yr.

Atty. Docket 1039.257XIP

Application No. 342,476

Sir:

Kindly acknowledge receipt of the accompanying

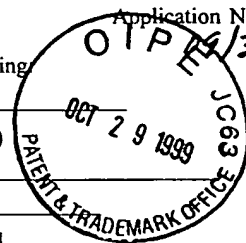
- ☐ Response to Official Action.
- ☐ Check for \$ \_\_\_\_\_ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_
- ☐ Notice of Appeal and Check for \$ \_\_\_\_\_
- ☐ Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents
- ☐ Claim for priority and certified copies of \_\_\_\_\_ priority applications
- ☐ Issue fee transmittal and Check for \$ \_\_\_\_\_
- ☒ Other (specify) Preliminary Amendment

by placing your receiving date stamp hereon and returning to deliverer.

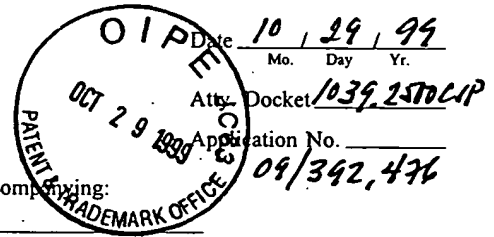
Atty. W40/KG

Due Date 11 / 11 / 99  
Mo. Day Yr.

FOHS-D-95



Assistant Commissioner for Patents  
Washington, D.C. 20231



Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. \_\_\_\_\_
- ☐ Check for \$ \_\_\_\_\_ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_
- ☒ Notice of Appeal and Check for \$ Small Entity Statement
- ☐ Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents
- ☐ Claim for priority and certified copies of \_\_\_\_\_ priority applications
- ☐ Issue fee transmittal and Check for \$ \_\_\_\_\_
- ☒ Other (specify) Request for Refund and Submission of Small Entity Declaration
- by placing your receiving date stamp hereon and returning to deliverer.

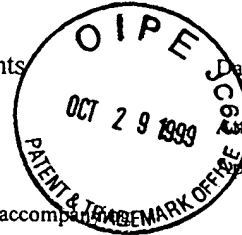
FOIS-D-95



Atty. W21/K8

Due Date 11/9/99  
Mo. Day Yr.

Assistant Commissioner for Patents  
Washington, D.C. 20231



Date 10 / 29 / 99  
Mo. Day Yr.  
Atty. Docket 1034-250411  
Application No. 09/342,476

Sir:

Kindly acknowledge receipt of the accompanying

- FCIS-D-95
- ☐ Response to Official Action.
  - ☒ Check for \$ 65.00 (claims fee); Combined Dec + POA
  - ☒ Petition under 37 CFR 1.136 and Check for \$ Request for Refund and Sub.
  - ☒ Notice of Appeal and Check for \$ of Small Entity (Copy only)
  - ☐ Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents
  - ☐ Claim for priority and certified copies of \_\_\_\_\_ priority applications
  - ☒ Issue fee transmittal and Check for \$ Completion of Filing + Form PTO-
  - ☒ Other (specify) Assignment \$400 1533

by placing your receiving date stamp hereon and returning to deliverer.

Atty. Wes/Kg

Due Date 11 / 28 / 99  
Mo. Day Yr.



Assistant Commissioner for Patents  
Washington, D.C. 20231

Date 10 / 29 / 99  
Mo. Day Yr.

Atty. Docket 1039.2500C1P

Application No. \_\_\_\_\_

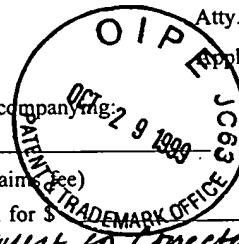
Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. \_\_\_\_\_
- ☐ Check for \$ \_\_\_\_\_ (claim fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ \_\_\_\_\_
- ☒ Notice of Appeal and Check for \$ Request for Corrected Filing Receipt.
- ☐ Information Disclosure Statement, PTO-1449 and \_\_\_\_\_ documents
- ☐ Claim for priority and certified copies of \_\_\_\_\_ priority applications
- ☐ Issue fee transmittal and Check for \$ \_\_\_\_\_
- ☒ Other (specify) Copies of: Official Filing Receipt; Comb. Dec + POA;  
by placing your receiving date stamp hereon and returning to deliverer. 37 CFR 1.53(b)

Atty. W201A

Due Date N D D  
Mo. Day Yr.



FOHS-D-95

Appln. No.: 09/392,476  
Atty. Docket: 1039.2500 CIP

1039.2500 CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re application of:*

**THERESA C. WHITE**

SYLVIA McHUGH

CHRISTOPHER D. HINDLE



Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF  
PROTEINS IN GENETICALLY  
MODIFIED FUNGI**

Examiner: Not Yet Assigned  
Group Art Unit: 1633

October 29, 1999

Assistant Commissioner for Patents  
Washington, D.C. 20231

**COPY AS FILED**

## PRELIMINARY AMENDMENT

Sir:

Prior to examination on the merits, please amend the application as follows:

**IN THE SPECIFICATION:**

Please amend the specification as follows:



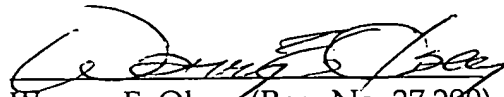
At Page 2, Line 1, insert

--This application is a continuation-in-part of Application No. 09/037,524 filed  
September 9, 1999--

No fee for this statement is required. However, the Commissioner is hereby  
authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office  
by telephone at (202) 530-1010. All correspondence should continue to be directed to our  
below listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

FITZPATRICK, CELLA, HARPER & SCINTO  
Customer No.: 05514  
30 Rockefeller Plaza, 38<sup>th</sup> Floor  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

C:\WEO\1039\2500CIP-PreAme

1039.2500CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re application of:*

THERESA C. WHITE  
SYLVIA McHUGH  
CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: ENHANCED EXPRESSION OF  
PROTEINS IN GENETICALLY  
MODIFIED FUNGI



)  
)  
)  
) Examiner: Not Yet Assigned  
) Group Art Unit: 1633  
)  
)  
)  
)

) October 29, 1999  
)  
)  
)

ATTN.: HAJA COLE  
Refund Section  
Crystal Park 1, Room 307  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**COPY AS FILED**

REQUEST FOR REFUND AND SUBMISSION OF SMALL ENTITY  
DECLARATION

Sir:

The above-identified application was filed informally, under Rule 1.53(b) on September 9, 1999. A Small Entity status was not requested in the papers, and a check for the large entity fee of \$1018.00 was paid at that time. This application is prosecuted as a Continuation-In-Part of Application No. 09/037.524, which was a small entity.

Applicant now submits herein a new Small Entity Declaration under 37 CFR 1.27. The correct small entity filing fee is \$509.00 under 37 CFR 1.16. Please issue a refund of the \$509.00 overpayment of the filing fee, to Deposit Account No. 06-1205.

No fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Warren E. Olsen (Reg. No. 27,290)

Attachment: Small Entity Declaration

FITZPATRICK, CELLA, HARPER & SCINTO  
Customer Number: 05514  
30 Rockefeller Plaza, 38<sup>th</sup> Floor  
New York, NY 10112-3801

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**



**BRIAN FOODY** hereby declares

That I am **President** and empowered to act on behalf of the small business concern:

**IOGEN CORPORATION**  
(Canada Federal Corporation)  
400 Hunt Club Road  
Ottawa, Ontario, Canada K1V 1C1

That the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

That rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to improvements by the inventors, **THERESA C. WHITE, SYLVIA McHUGH** and **CHRISTOPHER D. HINDLE**, and the application for United States Letters Patent that was filed on our behalf unsigned on **September 9, 1999** and now has been given application Serial No. **09/392,476**, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN  
GENETICALLY MODIFIED FUNGI**

and for which an **ASSIGNMENT** to Iogen Corporation also has been executed by the

inventors concurrently with the execution of a patent Declaration.

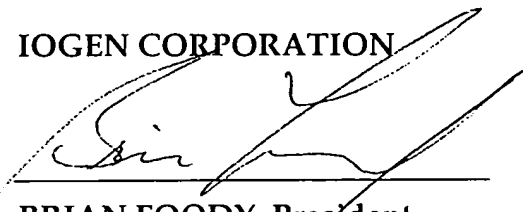
That if the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e); NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

☒ no such person, concern, or organization  
☐ persons, concerns or organizations listed below\*

That I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b); and

That I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

IOGEN CORPORATION

Signature: 

By: BRIAN FOODY, President

Date : October 27 , 1999

Citizenship: Canada Federal Corporation

Post Office Address:

400 Hunt Club Road  
Ottawa, Ontario, Canada K1V 1C1

Appln. No.: 09/392,476  
Atty. Docket: 1039.2500 CIP

1039.2500 CIP

PATENT APPLICATION

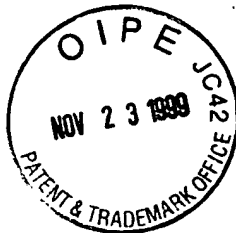
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re application of:*  
**THERESA C. WHITE**  
**SYLVIA McHUGH**  
**CHRISTOPHER D. HINDLE**

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF  
PROTEINS IN GENETICALLY  
MODIFIED FUNGI**



)  
)  
)  
) Examiner: Not Yet Assigned  
) Group Art Unit: 1633  
)  
)  
)

) October 29, 1999  
)  
)

**COPY AS FILED**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**ATTENTION: APPLICATION PROCESSING DIVISION  
SPECIAL PROCESSING AND CORRESPONDENCE  
BRANCH**

**COMPLETION OF FILING**

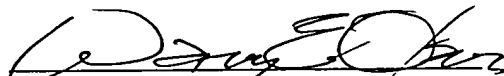
Sir:

Enclosed herewith is a copy of the September 28, 1999 Notice to File Missing  
Parts Application - Filing Date Granted; a check for the \$65.00 Small Entity surcharge; and

an executed Declaration and Power of Attorney. A Small Entity Declaration is being submitted concurrently together with a Request for Refund (copy attached).

Any deficiency in or overpayment of these fees should be charged or credited to Deposit Account No. 01-1205. *A duplicate copy of this sheet is enclosed.* Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Warren E. Olsen (Reg. No. 27,290)

Attachments: Check for \$65.00  
Request for Refund and Submission of Small Entity Declaration (copy)  
Form PTO-1533

FITZPATRICK, CELLA, HARPER & SCINTO  
Customer No.: 05514  
30 Rockefeller Plaza, 38<sup>th</sup> Floor  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

C:\WEO\1039\2500CIP-MissPartTrans



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
|--------------------|---------------------|-----------------------|---------------------------|

097392,476 09/09/99 WHITE

1039.2500-CI

005514 0262/0928  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112

NOT ASSIGNED #173/100



1633  
DATE MAILED:

09/28/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

- ☐ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20  
\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3  
\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☒ is missing or unsigned

☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

MARRISON T-C



**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**



As a below-named joint inventors, WE each hereby declare that:

My residence, post office address and citizenship are as stated next to my name subscribed below;

I believe I am an original coinventor of the subject matter which is disclosed and claimed in the application for United States Letters Patent that was filed on my behalf unsigned on **September 9, 1999** and now has been given application **Serial No. 09/392,476**, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN  
GENETICALLY MODIFIED FUNGI**

I hereby state that I have reviewed and understand the contents of the above-identified specification as filed, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

This is a continuation-in-part, and I hereby claim benefit under Title 35, United States Code, §120, of **Application No. 09/037,524**, filed **March 10, 1998**, which is **pending**.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application No. | Filed (Day/Mo./Yr.) | Priority Claimed |
|---------|-----------------|---------------------|------------------|
| None    |                 |                     |                  |

**POWER OF ATTORNEY**

I hereby appoint: Joseph M. Fitzpatrick (Registration No. 17,398), Lawrence F. Scinto (Registration No. 18,973), William J. Brunet (Registration No. 20,452), Robert L. Baechtold (Registration No. 20,860), John A.

O'Brien (Registration No. 24,367), John A. Krause (Registration No. 24,613), Henry J. Renk (Registration No. 25,499), Peter Saxon (Registration No. 24,947), Anthony M. Zupcic (Registration No. 27,276), Charles P. Baker (Registration No. 26,702), Stevan J. Bosses (Registration No. 22,291), Edward E. Vassallo (Registration No. 29,117), Ronald A. Clayton (Registration No. 26,718), Lawrence A. Stahl (Registration No. 30,110), Laura A. Bauer (Registration No. 29,767), Leonard P. Diana (Registration No. 29,296), Nicholas N. Kallas (Registration No. 31,530), William M. Wannisky (Registration No. 28,373), Lawrence S. Perry (Registration No. 31,865), Robert H. Fischer (Registration No. 30,051), Christopher Philip Wrist (Registration No. 32,078), Gary M. Jacobs (Registration No. 28,861), Michael K. O'Neill (Registration No. 32,622), Bruce C. Haas (Registration No. 32,734), Scott K. Reed (Registration No. 32,433), Scott D. Malpede (Registration No. 32,533), Fredrick M. Zullo (Registration No. 32,452), Richard P. Bauer (Registration No. 31,588), Warren E. Olsen (Registration No. 27,290), Abigail F. Cousins (Registration No. 29,292), Steven E. Warner (Registration No. 33,326), Thomas J. O'Connell (Registration No. 33,202), David L. Schaeffer (Registration No. 32,716), Jack S. Cubert (Registration No. 24,245), Mark A. Williamson (Registration No. 33,628), Jean K. Dudek (Registration No. 30,938), Raymond R. Mandra (Registration No. 34,382), Dominick A. Conde (Registration No. 33,856), Steven C. Bauman (Registration No. 33,832), Pasquale A. Razzano (Registration No. 25,512), John W. Behringer (Registration No. 23,086), John D. Carlin (Registration No. 37,292), Jack M. Arnold (Registration No. 17,739), Daniel S. Glueck (Registration No. 37,838), Brian L. Klock (Registration No. 36,570), T. Thomas Gellenthien (Registration No. 39,683), and Sean W. O'Brien (Registration No. 37,689) as our attorneys with full power of substitution, to prosecute this application and transact all business with the United States Patent and Trademark Office connected therewith.

Address all written correspondence to:

**FITZPATRICK, CELLA, HARPER & SCINTO**  
30 Rockefeller Plaza, 38<sup>th</sup> Floor  
New York, N.Y. 10112-3801  
Telephone No. 212-218-2100

Address telephone inquiries to our Washington, D.C. office, as follows:

Docket No. : 1039.2500CIP  
Warren E. Olsen (Reg. No. 27,290)  
Telephone No. : 202-530-1010  
Facsimile No. : 202-530-1055

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code application or any patent issued thereon.

Inventor : THERESA C. WHITE

Inventor's signature:

Theresa C. White

Date : October 20, 1999

Citizenship: United States of America

Post Office Address:

61 Kimberwick Crescent  
Ottawa, Ontario, Canada K1V 0W6

Inventor :

SYLVIA McHUGH

Inventor's signature:

Sylvia C. McHugh

Date : October 20, 1999

Citizenship: Canada

Post Office Address:

3227 Carriage Hill Place  
Gloucester, Ontario, Canada K1T 3X5

Inventor :

CHRISTOPHER D. HINDLE

Inventor's signature:

Chris D. Hindle

Date : October 20, 1999

Citizenship: Canada

Post Office Address:

4332 Owl Valley Drive  
Gloucester, Ontario, Canada K1V 1L3

1039.2500CIP

## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re application of:*

**THERESA C. WHITE**

SYLVIA McHUGH

CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: **ENHANCED EXPRESSION OF  
PROTEINS IN GENETICALLY  
MODIFIED FUNGI**

Examiner: Not Yet Assigned  
Group Art Unit: 1633

October 29, 1999



COPY

**ATTN.: HAJA COLE**  
**Refund Section**  
Crystal Park 1, Room 307  
Assistant Commissioner for Patents  
Washington, D.C. 20231

## REQUEST FOR REFUND AND SUBMISSION OF SMALL ENTITY DECLARATION

Sir:

The above-identified application was filed informally, under Rule 1.53(b) on September 9, 1999. A Small Entity status was not requested in the papers, and a check for the large entity fee of \$1018.00 was paid at that time. This application is prosecuted as a Continuation-In-Part of Application No. 09/037.524, which was a small entity.

Applicant now submits herein a new Small Entity Declaration under 37 CFR 1.27. The correct small entity filing fee is \$509.00 under 37 CFR 1.16. Please issue a refund of the \$509.00 overpayment of the filing fee, to Deposit Account No. 06-1205.

No fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at 202-530-1010 or by facsimile at 202-530-1055. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
Warren E. Olsen (Reg. No. 27,290)

Attachment: Small Entity Declaration

FITZPATRICK, CELLA, HARPER & SCINTO  
Customer Number: 05514  
30 Rockefeller Plaza, 38<sup>th</sup> Floor  
New York, NY 10112-3801

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**



**BRIAN FOODY** hereby declares

That I am **President** and empowered to act on behalf of the small business concern:

**IOGEN CORPORATION  
(Canada Federal Corporation)  
400 Hunt Club Road  
Ottawa, Ontario, Canada K1V 1C1**

That the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

That rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to improvements by the inventors, **THERESA C. WHITE, SYLVIA McHUGH and CHRISTOPHER D. HINDLE**, and the application for United States Letters Patent that was filed on our behalf unsigned on **September 9, 1999** and now has been given application **Serial No. 09/392,476**, and being identified by the title, as follows:

**ENHANCED EXPRESSION OF PROTEINS IN  
GENETICALLY MODIFIED FUNGI**

and for which an **ASSIGNMENT** to Iogen Corporation also has been executed by the

inventors concurrently with the execution of a patent Declaration.

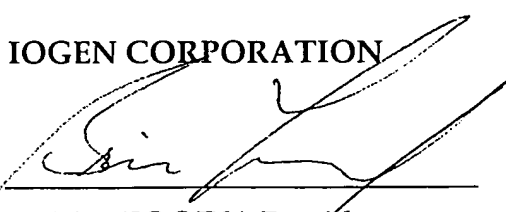
That if the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e); NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

☒ no such person, concern, or organization  
☐ persons, concerns or organizations listed below\*

That I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b); and

That I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**IOGEN CORPORATION**

Signature: 

By: **BRIAN FOODY, President**

Date : October 27, 1999

Citizenship: Canada Federal Corporation

Post Office Address:

400 Hunt Club Road  
Ottawa, Ontario, Canada K1V 1C1

FORM-PTO-1595  
1-31-92

TRANSMITTAL OF DOCUMENT FOR RECORDATION  
PATENTS ONLY

Atty. Docket: 1039.2500

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

(1) THERESA C. WHITE  
61 KIMBERWICK CRESCENT  
OTTAWA, ONTARIO  
CANADA K1V 0W6

(2) SYLVIA McHUGH  
3227 CARRIAGE HILL PLACE  
GLOUCESTER  
ONTARIO CANADA K1T 3X5

(3) CHRISTOPHER D. HINDLE  
4332 OWL VALLEY DRIVE  
GLOUCESTER, ONTARIO CANADA K1V 1L3

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: IOGEN CORPORATION

(Canada Federal Corporation)

Foreign Address: 400 HUNT CLUB ROAD

OTTAWA, ONTARIO

CANADA K1V 1C1

Domestic Address: \_\_\_\_\_

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other \_\_\_\_\_

Execution Date: October 20, 1999

City: \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

09/392,476

B. Patent Registration No.(s)

Additional numbers attached? ☐ Yes ☒ No

**COPY AS FILED**

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Fitzpatrick, Cella, Harper & Scinto

30 Rockefeller Plaza, 38<sup>th</sup> Floor

New York, New York 10112-3801

Telephone No.: (212) 218-2100

Facsimile No.: (212) 218-2200

6. Number of applications and patents involved:

One (1)

7. Total fee (37 CFR 3.41): . . . . \$40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number for any deficiency: 06-1205

(Attach duplicate copy of this page if paying by deposit account):

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Warren E. Olsen (Reg. No. 27,290)

Name of Person Signing

  
Signature

October 29, 1999

Date

October 29, 1999

Total number of pages including cover sheet, attachments, and documents: 3



## ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, WE, the undersigned assignors, with addresses as noted next to our signatures,

Hereby sell, assign and transfer to IOGEN CORPORATION, a Canada Federal Corporation having a place of business at 400 Hunt Club Road, Ottawa, Ontario, Canada K1V 1C1, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which is disclosed and claimed in the application for United States Letters Patent filed **September 9, 1999**, and being identified by the title, as follows:

### ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications or issued Letters Patent, upon said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements; and

Agree that Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this Assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all of said improvements; execute all rightful oaths, assignments, powers of attorney, and other papers; communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no Assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, that full right to convey the same as herein expressed is possessed by the undersigned.

First Inventor:

**THERESA C. WHITE**

Inventor's signature:

Theresa C. White

Date: October 20, 1999

Citizenship: United States of America

Post Office Address:

61 Kimberwick Crescent  
Ottawa, Ontario, CANADA K1V 0W6

Second Inventor:

**SYLVIA McHUGH**

Inventor's signature:

Sylvia G. McHugh

Date: October 20, 1999

Citizenship: Canada

Post Office Address:

3227 Carriage Hill Place  
Gloucester, Ontario, CANADA K1T 3X5

Third Inventor:

**CHRISTOPHER D. HINDLE**

Inventor's signature:

Chris D. Hindle

Date: October 20, 1999

Citizenship: Canada

Post Office Address:

4332 Owl Valley Drive  
Gloucester, Ontario, CANADA K1V 1L3

1039.2500 CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re application of:*

THERESA C. WHITE

SYLVIA McHUGH

CHRISTOPHER D. HINDLE

Appln. No.: 09/392,476

Filed: September 9, 1999

For: ENHANCED EXPRESSION OF  
PROTEINS IN GENETICALLY  
MODIFIED FUNGI



)  
)  
)  
) Examiner: Not Yet Assigned  
) Group Art Unit: 1633  
)  
)  
)

) October 29, 1999  
)  
)

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, D.C. 20231

**COPY AS FILED**

REQUEST FOR  
CORRECTED FILING RECEIPT

Sir:

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. Please issue a new Official Filing Receipt to reflect the correct information, as follows:

Independent Claims: 4

SMALL ENTITY STATUS

THIS APPLN IS A CONTINUATION-IN-PART OF APPLN. NO.09/037,524

Serial Number: 09/392,476  
Atty. Docket: 1039.2500CIP

The correct total of independent claims should have been ~~4~~, not "3". This application now claims small entity status. Applicant is separately filing a Request for Refund and Submission of Small Entity Declaration. Hence, the correct small entity filing fee is \$509.00.

Applicant respectfully requests issuance of a corrected Official Filing Receipt in the above-referenced application. The unsigned Combined Declaration and Power of Attorney for Patent Application, (as well as the transmittal cover sheet) filed on September 9, 1999 correctly stated that this application was a Continuation-In-Part of Appln. No. 09/037,524 (copy attached).

Hence, no fee for this statement is required. However, the Commissioner is hereby authorized to charge any fee demonstrated to be required to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Warren E. Olsen (Reg. No. 27,290)

Attachments: Official Filing Receipt; Combined Declaration and Power of Attorney;  
37 CFR 1.53(b)  
FITZPATRICK, CELLA, HARPER & SCINTO

FILING RECEIPT

909

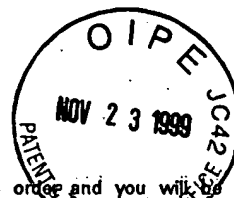


UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTORNEY DOCKET NO. | DRWGS | TOT CL | IND CL |
|--------------------|-------------|--------------|---------------|---------------------|-------|--------|--------|
| 09/392,476         | 09/09/99    | 1633         | \$940.00      | 1039.2500-CI        | 10    | 30     | 3      |

005514

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK NY 10112



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) THERESA C. WHITE, OTTAWA, CANADA; SYLVIA MCHUGH,  
GLOUCESTER, CANADA; CHRISTOPHER D. HINDLE, GLOUCESTER,  
CANADA.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 09/27/99

TITLE

ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

PRELIMINARY CLASS: 435




|   |  |  |               |             |    |
|---|--|--|---------------|-------------|----|
| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b><br><small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small> |  | Attorney Docket No.                            | 1039.2500 CIP | Total Pages | 83 |
|   |  | First Named Inventor or Application Identifier |               |             |    |
|   |  | Theresa C. White                               |               |             |    |
|   |  | Express Mail Label No.                         |               |             |    |

|  |  |
|--|--|
| <b>APPLICATION ELEMENTS</b><br><small>See MPEP chapter 600 concerning utility patent application contents.</small> | <b>ADDRESS TO:</b><br>Assistant Commissioner for Patents<br>Box Patent Application<br>Washington, DC 20231 |
|--|--|

|   |   |
|---|---|
| <div style="display: flex; justify-content: space-between;"><div><p>1. <input checked="" type="checkbox"/> Fee Transmittal Form<br/><small>(Submit an original, and a duplicate for fee processing)</small></p><p>2. <input checked="" type="checkbox"/> Specification + Abstract      Total Pages <span style="border: 1px solid black; padding: 0 10px;">63</span></p><p style="margin-left: 40px;">Claims      Total Pages <span style="border: 1px solid black; padding: 0 10px;">3</span></p><p>3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113)      Total Sheet(s) <span style="border: 1px solid black; padding: 0 10px;">10</span></p><p>4. <input checked="" type="checkbox"/> Oath and Declaration (Combined)      Total Pages <span style="border: 1px solid black; padding: 0 10px;">3</span></p><div style="margin-left: 40px;"><p>a. <input type="checkbox"/> Newly executed (original or copy)</p><p>b. <input checked="" type="checkbox"/> Unexecuted for information purposes</p><p>c. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br/><small>(for continuation/divisional with Box 17 completed)</small><br/><b>[Note Box 5 below]</b></p><p>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br/><small>Signed Statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</small></p></div><p>5. <input type="checkbox"/> Incorporation By Reference <small>(useable if Box 4b is checked)</small><br/><small>The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</small></p></div><div style="text-align: center;"></div></div> | <p>6. <input type="checkbox"/> Microfiche Computer Program (Appendix)</p> <p>7. Nucleotide and/or Amino Acid Sequence Submission<br/><small>(if applicable, all necessary)</small></p> <div style="margin-left: 40px;"><p>a. <input type="checkbox"/> Computer Readable Copy</p><p>b. <input type="checkbox"/> Paper Copy (identical to computer copy)</p><p>c. <input type="checkbox"/> Statement verifying identity of above copies</p></div> |
|---|---|

|  |  |
|--|--|
| <b>ACCOMPANYING APPLICATION PARTS</b>  |  |
| <p>8. <input type="checkbox"/> Assignment Papers (cover sheet &amp; document(s))</p> <p>9. <input type="checkbox"/> 37 CFR 3.73(b) Statement <span style="margin-left: 20px;"><input type="checkbox"/> Power of Attorney</span><br/><small>(when there is an assignee)</small></p> <p>10. <input type="checkbox"/> English Translation Document <small>(if applicable)</small></p> <p>11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <span style="margin-left: 20px;"><input type="checkbox"/> Copies of IDS Citations</span></p> <p>12. <input type="checkbox"/> Preliminary Amendment</p> <p>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br/><small>(Should be specifically itemized)</small></p> <p>14. <input type="checkbox"/> Small Entity Statement(s) <span style="margin-left: 20px;"><input type="checkbox"/> Statement filed in prior application Status still proper and desired</span></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br/><small>(if foreign priority is claimed)</small></p> <p>16. <input type="checkbox"/> Other: _____</p> |  |

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

|                                       |                                     |  |
|---------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> Continuation | <input type="checkbox"/> Divisional | <input checked="" type="checkbox"/> Continuation-in-part (CIP) of prior application No. <u>09 /037,524</u> |
|---------------------------------------|-------------------------------------|--|

18. CORRESPONDENCE ADDRESS

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Customer Number or Bar Code Label | 05514<br><small>(Insert Customer No. or Attach bar code label here)</small> | or <input checked="" type="checkbox"/> Correspondence address below |
|--|---|---|

|         |  |           |              |          |              |
|---------|--|-----------|--------------|----------|--------------|
| NAME    | FITZPATRICK, CELLA, HARPER & SCINTO          |           |              |          |              |
| Address | 30 Rockefeller Plaza, 38 <sup>th</sup> Floor |           |              |          |              |
| City    | New York                                     | State     | New York     | Zip Code | 10112-3801   |
| Country | U.S.A.                                       | Telephone | 212-218-2100 | Fax      | 212-218-2200 |



| CLAIMS | (1) FOR  | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                      | (5) CALCULATIONS |
|--------|--|------------------|------------------|-------------------------------|------------------|
|        | TOTAL CLAIMS<br>(37 CFR 1.16(c))   | 30-20 =          | 10               | X \$ 18.00 =                  | \$ 180.00        |
|        | INDEPENDENT<br>CLAIMS (37 cfr 1.16(b))                                     | 4-3 =            | 1                | X \$ 78.00 =                  | \$ 78.00         |
|        | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))                 |                  |                  | \$270.00 =                    | \$ -0-           |
|        |  |                  |                  | BASIC FEE<br>(37 CFR 1.16(a)) | \$ 760.00        |
|        | Total of above Calculations =  |                  |                  |                               | \$ 1018.00       |
|        | Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). |                  |                  |                               | \$               |
|        | TOTAL =  |                  |                  |                               | \$ 1018.00       |

19. Small entity status

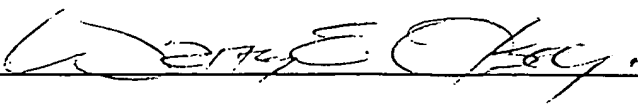
- a. ☐ A Small entity statement is enclosed
- b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☒ Is no longer claimed.

20. ☒ A check in the amount of \$ 1018.00 to cover the filing fee is enclosed.

21. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the recordal fee is enclosed.

22. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 06-1205:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED |  |
|---|--|
| NAME  | Warren E.. Olsen, Reg. No. 27,290  |
| SIGNATURE   |  |
| DATE  | September 9, 1999  |

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below-named joint inventors, WE each hereby declare that:

My residence, post office address and citizenship are as stated next to my name subscribed below;

I believe I am an original coinventor of the subject matter which is disclosed and claimed in the application for United States Letters Patent that was filed on my behalf unsigned on September 9, 1999, and being identified by the title, as follows:



### ENHANCED EXPRESSION OF PROTEINS IN GENETICALLY MODIFIED FUNGI

I hereby state that I have reviewed and understand the contents of the above-identified specification as filed, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

This is a continuation-in-part, and I hereby claim benefit under Title 35, United States Code, §120, of Application No. 09/037,524, filed March 10, 1998, which is pending.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Country | Application No. | Filed (Day/Mo./Yr.) | Priority Claimed |
|---------|-----------------|---------------------|------------------|
| None    |                 |                     |                  |

### POWER OF ATTORNEY

I hereby appoint: Joseph M. Fitzpatrick (Registration No. 17,398), Lawrence F. Scinto (Registration No. 18,973), William J. Brunet (Registration No. 20,452), Robert L. Baechtold (Registration No. 20,860), John A. O'Brien (Registration No. 24,367), John A. Krause (Registration No. 24,613), Henry J. Renk (Registration No. 25,499), Peter Saxon (Registration No. 24,947), Anthony M. Zupcic (Registration No. 27,276), Charles P.



Baker (Registration No. 26,702), Stevan J. Bosses (Registration No. 22,291), Edward E. Vassallo (Registration No. 29,117), Ronald A. Clayton (Registration No. 26,718), Lawrence A. Stahl (Registration No. 30,110), Laura A. Bauer (Registration No. 29,767), Leonard P. Diana (Registration No. 29,296), Nicholas N. Kallas (Registration No. 31,530), William M. Wannisky (Registration No. 28,373), Lawrence S. Perry (Registration No. 31,865), Robert H. Fischer (Registration No. 30,051), Christopher Philip Wrist (Registration No. 32,078), Gary M. Jacobs (Registration No. 28,861), Michael K. O'Neill (Registration No. 32,622), Bruce C. Haas (Registration No. 32,734), Scott K. Reed (Registration No. 32,433), Scott D. Malpede (Registration No. 32,533), Fredrick M. Zullo (Registration No. 32,452), Richard P. Bauer (Registration No. 31,588), Warren E. Olsen (Registration No. 27,290), Abigail F. Cousins (Registration No. 29,292), Steven E. Warner (Registration No. 33,326), Thomas J. O'Connell (Registration No. 33,202), David L. Schaeffer (Registration No. 32,716), Jack S. Cubert (Registration No. 24,245), Mark A. Williamson (Registration No. 33,628), Jean K. Dudek (Registration No. 30,938), Raymond R. Mandra (Registration No. 34,382), Dominick A. Conde (Registration No. 33,856), Steven C. Bauman (Registration No. 33,832), Pasquale A. Razzano (Registration No. 25,512), John W. Behringer (Registration No. 23,086), John D. Carlin (Registration No. 37,292), Jack M. Arnold (Registration No. 17,739), Daniel S. Glueck (Registration No. 37,838), Brian L. Klock (Registration No. 36,570), T. Thomas Gellenthien (Registration No. 39,683), and Sean W. O'Brien (Registration No. 37,689) as our attorneys with full power of substitution, to prosecute this application and transact all business with the United States Patent and Trademark Office connected therewith.

Address all written correspondence to:

**FITZPATRICK, CELLA, HARPER & SCINTO**  
30 Rockefeller Plaza, 38<sup>th</sup> Floor  
New York, N.Y. 10112-3801  
Telephone No. 212-218-2100

Address telephone inquiries to our Washington, D.C. office, as follows:

Docket No. : 1039.2500CIP  
Warren E. Olsen (Reg. No. 27,290)  
Telephone No. : 202-530-1010  
Facsimile No. : 202-530-1055

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code application or any patent issued thereon.

Inventor : **THERESA C. WHITE**

Inventor's signature: \_\_\_\_\_

Date : September \_\_\_\_, 1999

Citizenship: United States of America

Post Office Address: 61 Kimberwick Crescent  
Ottawa, Ontario, Canada K1V 0W6

Inventor : **SYLVIA McHUGH**

Inventor's signature: \_\_\_\_\_

Date : September \_\_\_\_, 1999

Citizenship: Canada

Post Office Address: 3227 Carriage Hill Place  
Gloucester, Ontario, Canada K1T 3X5

Inventor : **CHRISTOPHER D. HINDLE**

Inventor's signature: \_\_\_\_\_

Date : September \_\_\_\_, 1999

Citizenship: Canada

Post Office Address: 4332 Owl Valley Drive  
Gloucester, Ontario, Canada K1V 1L3